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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,572	04/25/2001	Woodr�w T. Lewis	34770 . 004	1786
21907	7590	12/13/2004	EXAMINER	
ROZSA & CHEN 15910 VENTURA BOULEVARD SUITE 1601 ENCINO, CA 91436			LEE, CHI HO A	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,572

Applicant(s)

LEWIS, WOODROW T.

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/25/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/25/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al U.S. Patent Number 6,578,070 in view of Kaplan et al U.S. Patent Number 6,829, 234.

Re Claim 1, Weaver et al teaches providing real time audio video (AV) delivery system 100 in fig. 1 that depicts a Stream Server 118 (a server) for maintaining and establishing a connection to computer network 140 and accessible to client 122 (a user) for requesting and selecting (customized request of data stream) a particular AV (See col. 13, lines 1-30) whereby the Stream Server 118 obtains (obtaining) the requested AV and initiates transmission of the requested AV via 140 to the client. While receiving AV transmission via 140, the Client transmits request to control information to affect the playback (adding self provisioning content in real-time) of ongoing AV transmission via 140 to Stream Server 118, whereby, the requested playback is transferred to Video Pump 120. Video Pump 120 then retrieved the requested playback (retrieving event driven) and transmits to the client 122 via network 150 in MPEG format (message oriented data stream) (See col. 13, lines 30-50). Weaver teaches that the

Art Unit: 2663

Stream Server 118 and Video Pump 120 both transmit AV using a standard network protocol (a parallel media gateway protocol) such as ATM.

Weaver et al fails to explicitly teach steps d and e, "establishing connection with a telephone infrastructure and enabling said user to interact with others through telephony endpoints linked to said telephony infrastructure while retrieving even driven, message oriented data stream via said computer network".

However, Kaplan teaches a Client's residence 202 that includes a hub 204, ATM interface 206, ADSL modem 208, MPEG card, and telephone 210 coupled to the ATM network 150, Internet 170, and POTS 160 (See figs. 1-3).

One skilled in the art would have been motivated to modify the Client 122 of Weaver et al with the set top box of Kaplan to enable simultaneously connectivity with the POTS (a telephony infrastructure) and ATM networks, wherein the user can establish a telephone call via POTS network while retrieving data via ATM network.

Therefore, it would have been obvious to one ordinary skilled incorporate the teaching of Kaplan into the teaching of Weaver.

Re Claims 2, 12, refer to Claim 1, Weaver teaches that the Video Pump embeds prefix data (meta-data tags) into the MPEG data stream (see col. 14, lines 28-53).

Re Claims 3, 6, 17, refer to Claim 1, wherein the Steam Server 116 and Video Pump 120 collectively send control information (meta-data tags in parallel streams) to the Client 122 via computer network 140 and 150 in parallel.

Re Claims 4, 5, 9, 13-15, 18-20, refer to Claim 1, wherein the Video Pump 120 encodes and retrieves from file 130 (archived data stream) the requested/selected

Art Unit: 2663

playback (self provisioning content in real time) in MPEG format (data stream; multiplexed playback).

Re Claims 7, refer to Claim 1, the Video Pump encodes the AV in MPEG format (digitizing), wherein Network 150 conforms to a standard communication standard that include telephony infrastructure.

Re Claims 10, 11, refer to Claim 1, wherein computer network 140 functions as a back channel communication between the client and the stream server 116 for performing of querying (facilitating real-time semantic search).

Re Claim 16, refer to Claims 1, 4, 7, 10.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-571-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI

12/07/04

ANDY LEE
PATENT EXAM

